



Senate

General Assembly

January Session, 2001

File No. 367

Senate Bill No. 909

Senate, April 19, 2001

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT REQUIRING THE REVIEW OF ALL FIREARM-RELATED DEATHS OF CHILDREN IN THE STATE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 46a-13l of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) The Child Advocate shall:

4 (1) Evaluate the delivery of services to children by state agencies
5 and those entities that provide services to children through funds
6 provided by the state;

7 (2) Review periodically the procedures established by any state
8 agency providing services to children to carry out the provisions of
9 sections 46a-13k to 46a-13q, inclusive, with a view toward the rights of
10 the children and recommend revisions to such procedures;

11 (3) Review complaints of persons concerning the actions of any state

12 or municipal agency providing services to children and of any entity
13 that provides services to children through funds provided by the state,
14 make appropriate referrals and investigate those where the Child
15 Advocate determines that a child or family may be in need of
16 assistance from the Child Advocate or that a systemic issue in the
17 state's provision of services to children is raised by the complaint;

18 (4) Pursuant to an investigation, provide assistance to a child or
19 family who the Child Advocate determines is in need of such
20 assistance including, but not limited to, advocating with an agency,
21 provider or others on behalf of the best interests of the child;

22 (5) Periodically review the facilities and procedures of any and all
23 institutions or residences, public or private, where a juvenile has been
24 placed by any agency or department;

25 (6) Recommend changes in state policies concerning children
26 including, but not limited to, changes in the system of providing
27 juvenile justice, child care, foster care and treatment;

28 (7) Take all possible action including, but not limited to, conducting
29 programs of public education, undertaking legislative advocacy and
30 making proposals for systemic reform and formal legal action, in order
31 to secure and ensure the legal, civil and special rights of children who
32 reside in this state;

33 (8) Provide training and technical assistance to attorneys
34 representing children and guardians ad litem appointed by the
35 Superior Court;

36 (9) Periodically review the number of special needs children in any
37 foster care or permanent care facility and recommend changes in the
38 policies and procedures for the placement of such children;

39 (10) Serve or designate a person to serve as a member of the child
40 fatality review panel established in subsection (b) of this section; and

41 (11) Take appropriate steps to advise the public of the services of the
42 Office of the Child Advocate, the purpose of the office and procedures
43 to contact the office.

44 (b) There is established a child fatality review panel composed of
45 seven permanent members as follows: A pediatrician, appointed by
46 the Governor; a representative of law enforcement, appointed by the
47 president pro tempore of the Senate; the Child Advocate, or a
48 designee; a public child welfare practitioner, appointed by the
49 minority leader of the Senate; a representative of a community service
50 group, appointed by the speaker of the House of Representatives; a
51 medical examiner, appointed by the minority leader of the House of
52 Representatives; and the Chief State's Attorney, or a designee. A
53 majority of the panel may select not more than two additional
54 temporary members with particular expertise or interest to serve on
55 the review of a specific fatality. Such temporary members shall have
56 the same duties and powers as the permanent members of the panel.
57 The chairperson shall be elected from among the panel's permanent
58 members. The panel shall, to the greatest extent possible, reflect the
59 ethnic, cultural and geographic diversity of the state.

60 (c) The panel shall review the circumstances of the death of a child
61 placed in out-of-home care or whose death was due to unexpected or
62 unexplained causes, including, but not limited to, death involving the
63 use of a firearm, to facilitate development of prevention strategies to
64 address identified trends and patterns of risk and to improve
65 coordination of services for children and families in the state. Members
66 of the panel shall not be compensated for their services, but may be
67 reimbursed for necessary expenses incurred in the performance of
68 their duties.

69 (d) On or before January 1, 2000, and annually thereafter, the panel
70 shall issue an annual report [which shall include] that includes its
71 findings and recommendations to the Governor and the General

72 Assembly on its review of child fatalities for the preceding year. The
73 annual report shall include a separate section concerning child
74 fatalities involving the use of firearms. The panel shall deliver the
75 firearms fatalities section to the joint standing committees of the
76 General Assembly having cognizance of matters relating to human
77 services, the judiciary and public safety and the select committee of the
78 General Assembly having cognizance of matters relating to children.

79 (e) Upon request of two-thirds of the members of the panel and
80 within available appropriations, the Governor, the General Assembly
81 or, at the Child Advocate's discretion, the Child Advocate shall
82 conduct an in-depth investigation and review and issue a report with
83 recommendations on the death or critical incident of a child. The
84 report shall be submitted to the Governor, the General Assembly and
85 the commissioner of any state agency cited in the report and shall be
86 made available to the general public.

87 (f) The Chief Medical Examiner shall provide timely notice to the
88 Child Advocate and to the chairperson of the child fatality review
89 panel of the death of any child that is to be investigated pursuant to
90 section 19a-406.

91 (g) Any agency having responsibility for the custody or care of
92 children shall provide timely notice to the Child Advocate and the
93 chairperson of the child fatality review panel of the death of a child or
94 a critical incident involving a child in its custody or care.

KID *Joint Favorable C/R*

JUD

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Office of the Child Advocate

Municipal Impact: None

Explanation**State Impact:**

The bill requires the Child Fatality Review Panel (CFRP) to produce a separate section on firearms-related deaths for its annual report to the Governor. Since the inception of the CFRP the Child Advocate has served as chairperson of the panel. (Other appointed members include the Chief State's Attorney, a pediatrician, a child welfare practitioner, a medical examiner, a representative of law enforcement, and a representative of a community service group.) Historically, and practically because the Child Advocate has served as the chairperson of the panel, OCA has served as the administrative arm of the CFRP. Thus, it is anticipated the OCA would be responsible for producing the additional report required by the bill, which can be handled within the normal budgetary resources of the agency.

Additionally, the bill specifies that the CFRP is responsible for reviewing firearms-related child fatalities. It is anticipated that any such fatalities that occur can be investigated within the anticipated budgetary resources of the OCA.

OLR Bill Analysis

SB 909

AN ACT REQUIRING THE REVIEW OF ALL FIREARM-RELATED DEATHS OF CHILDREN IN THE STATE.**SUMMARY:**

This bill requires the Child Fatality Review Panel's annual report to the governor and General Assembly to include a separate section on firearms-related children's deaths. It must send this section to the Human Services, Judiciary, Public Safety, and Children's committees. This seven-member panel is charged with reviewing the deaths of children who were placed in out-of-home care or whose deaths were unexpected or unexplained. The bill specifies that the latter two categories include firearms-related deaths.

The bill also specifies that the child advocate's duty to recommend changes in state policy is not limited to changes in the juvenile justice, child care, and foster care systems.

EFFECTIVE DATE: October 1, 2001

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference

Yea 12 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 38 Nay 0